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REMARKS/ARGUMENTSStatus of the Claims

Claims 1-26 were originally filed in the application filed on November 21, 2003. The RCE mailed on June 19, 2006 canceled Claims 1-26 and added new Claims 27-60. In this Amendment, Claims 27, 30, 38, 41, 42, 50 and 53 are amended and Claims 33, 36, 45, 48, 56 and 59 are canceled. Upon entry of this Amendment, Claims 27-32, 34-35, 37-44, 46-47, 49-55, 57-58 and 60 are pending.

Applicants respectfully request reconsideration and withdrawal of rejection in view of the following remarks.

A. Information Disclosure Statement

Pursuant to 37 C.F. R. §§ 1.56, 1.97 and 1.98, Applicants submitted an IDS on June 26, 2006. Applicants believe the documents are relevant to the patentability of the present invention. In the August 29 2006 Office Action, the Examiner requested that Applicants point out twenty or so the most relevant documents. Because the Examiner has made a similar request in U.S. Patent Application No. 10/430, 794 from which this Application claims priority as a continuation-in-part, to which, Applicants responded by submitting a list of the most relevant documents. Accordingly, Applicants hereby submit the same list of documents.

1. U.S. Patent No. 292,063	18. U.S. Patent No. 3,078,899
2. U.S. Patent No. 367,196	19. U.S. Patent No. 3,417,802
3. U.S. Patent No. 738,217	20. U.S. Patent No. 3,693,685
4. U.S. Patent No. 752,628	21. U.S. Patent No. 3,851,690
5. U.S. Patent No. 827,562	22. U.S. Patent No. 3,942,570
6. U.S. Patent No. 889,593	23. U.S. Patent No. 4,339,179
7. U.S. Patent No. 948,326	24. U.S. Patent No. 4,377,361
8. U.S. Patent No. 1,015,059	25. U.S. Patent No. 4,812,095
9. U.S. Patent No. 1,040,215	26. U.S. Patent No. 4,941,787
10. U.S. Patent No. 1,140,974	27. U.S. Patent No. 5,141,374
11. U.S. Patent No. 1,297,845	28. U.S. Patent No. 5,409,338

12. U.S. Patent No. 1,622,581	29. U.S. Patent No. 5,984,602
13. U.S. Patent No. 1,952,305	30. U.S. Patent No. 6,135,689
14. U.S. Patent No. 2,210,455	31. U.S. Patent No. 6,776,565
15. U.S. Patent No. 2,253,241	32. U.S. Pub. No. 2002/0039522A1
16. U.S. Patent No. 2,783,810	33. German Patent No. DE 298 15 492 U1
17. U.S. Patent No. 2,562,032	34. German Patent No. DE 199 56 287 A1

For the Examiner's convenience, Applicants organized the above listed references, 1-34, into a supplement IDS on the attached modified PTO Form No. 1449. Applicants previously submitted copies and translations of German Patents DE 298 15 492 U1 and DE 199 56 287 A1; accordingly, additional copies are not submitted herewith.

It is respectfully requested the Examiner initial the supplemental IDS submitted herewith, as well as, initial all other relevant documents submitted in all prior IDSs. Applicants further respectfully request the references listed in the supplemental IDS submitted herewith be made of record and appear among the "References Cited" on any patent to issue therefrom.

Applicants believe no fees are due in with the supplemental IDS included herewith. Should any fees be due, the Commissioner is authorized to charge Deposit Account No. 502318.

B. Election/Restriction

Applicants acknowledge the Examiner did not impose a restriction requirement in the present application.

C. Claim Rejections under 35 U.S.C. § 112

Claims 33, 36, 45, 48, 56 and 59 stand rejected under 35 U.S.C. § 112. The Examiner alleges that the ranges of 4° to 6° and 6° to 8° lack written support from the Specification. Applicants respectfully disagree.

Without agreeing to the merits of the Examiner's rejection, and to expedite the prosecution of this application, Applicants hereby cancel Claims 33, 36, 45, 48, 56 and 59, without prejudice. Applicants reserve the right to file a continuation to pursue the subject matter covered in these canceled Claims.

D. Double Patenting

Claims 27-60 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting. The Examiner alleges Claims 27-60 of this application not patentably distinct over claims 1-10 of copending U.S. Application No. 11/444,672 to Polubinski, and claims 1-23 of copending U.S. Application No. 11/444,673 to Jungman *et al* in view of U.S. Patent No. 3,877,502 to Hunckler. (hereinafter referred to as "Hunckler").

Without agreeing to the merits of the Examiner's rejection, upon the Examiner's allowance of the present invention, Applicants are willing to submit a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c).

E. Claim Rejections under 35 U.S.C. § 103(a)

Claims 27-60 stand rejected under 35 U.S.C. § 103(a). Examiner alleges that Claims 27-60 are unpatentable over Hunckler in view of U.S. Patent No. 4,973,209 to Essom (hereinafter referred to as "Essom") and U.S. Patent No. 6,062,786 to Garver. (hereinafter referred to as "Garver"). Applicants respectfully disagree and request that this rejection be withdrawn.

The present invention is directed to a novel u-bolt fastener assembly with studs having a plurality of thread configurations. In one embodiment, as illustrated in FIG. 4, the invention includes a curved thread, a Vee-shaped thread, and a locking thread. The curved thread is configured to prevent cross-threading. (See Pg. 7, ll. 15-16). The Vee-shaped thread has two sides which abut one another to form a Vee-shape. (See Pg. 7, ll. 4-5). The locking thread is configured to cooperate with the threads of a female member. (See Pg. 6, ll. 26-27) In another embodiment, as illustrated in FIG. 11, the invention includes a guide thread, a Vee-shaped thread, and a locking thread. The guide thread is configured to prevent cross-threading. (See Pg. 7, ll. 26-28).

To better present the invention and to expedite the prosecution of this application, Applicants amended Claims 27, 30, 38, 41, 42, 50 and 53.

At the outset, Applicants submit that the Examiner has not established a *prima facie* obviousness case because there is no teaching, suggestion, or motivation to combine the cited references. Furthermore, in addition to the Examiner's admission that Huckler fails to disclose a guide thread or locking thread, Huckler fails to disclose or suggest a plurality of threads. The defects in Huckler cannot be cured by Essom because Essom fails to disclose or suggest a locking thread, let alone the locking thread as adjacent to a Vee-shaped thread, or a combination thereof. The defects in Huckler and Essom cannot be cured by Garver because Garver does not disclose or suggest a locking thread, let alone the locking thread as adjacent to a Vee-shaped thread, or combination thereof. Assuming *arguendo*, that Huckler, Essom and Garver were combined, they cannot arrive at the present invention. As such, the 35 U.S.C. § 103(a) rejection must fall. Applicants respectfully request the Examiner withdraw the rejection.

A prior art reference may be considered to teach away when 'a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. In *re Gurley*, 27 F.3d 551, 31 USPQ2d 1130 (Fed. Cir. 1994). That the inventor achieved the claimed invention by doing what those skilled in the art suggested should not be done is a fact strongly probative of non-obviousness. *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986) on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

Here, Applicants submit that the combination of Huckler, Essom and Garver (as proposed by the Examiner) would hold against the principle of the operation of the respective inventions. The principle of Essom includes a thread structure forming an interference fit with a conventional nut. (See Essom, col. 5, ll. 16-23). To do so, Essom teaches a thread crest region 32 which forms an interference fit with a conventional nut. (See Essom, col. 5, ll. 16-23). On the other hand, Garver teaches a contrary principle, namely, to prevent cross threading and jamming of threads. (See Garver Col. 1, ll. 15-20).

To do this Garver teaches a curved thread which axially aligns the fastener members to prevent thread interference and thread damage. (See Garver, col. 1, ll. 42-47). Consequently, one skilled in the art would not look to the curved thread in Garver in order to form a thread structure which would form an interference fit with a conventional nut. Therefore, Applicants respectfully request the Examiner withdraw the rejection.

For at least these reasons, Applicants respectfully submit that the claimed invention is non-obvious. Applicants respectfully request that the 35 U.S.C. § 103 rejection be withdrawn.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of rejections, and allowance of all Claims now present in the application.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment to Deposit Account No. 502318.

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Respectfully Submitted,

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